

ORDINANCE NO. 89- 7

2 AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF
3 PALM BEACH COUNTY, FLORIDA, AMENDING THE CODE OF LAWS
4 AND ORDINANCES OF PALM BEACH COUNTY, FLORIDA,
5 APPENDIX F (ZONING CODE) AS FOLLOWS: AMENDING
6 SECTION 500.31 (ADULT ENTERTAINMENT ESTABLISHMENT);
7 RENUMBERING CITATIONS TO THE LANDSCAPE CODE WITHIN THE
8 SECTION; PROVIDING A TIME PERIOD FOR NON-CONFORMING
9 ADULT ENTERTAINMENT ESTABLISHMENTS ABUTTING
10 RESIDENTIAL ZONING TO CONSTRUCT REQUIRED LANDSCAPE
11 BARRIERS; PROVIDING FOR SEVERABILITY; PROVIDING FOR
12 AN EFFECTIVE DATE.

13 WHEREAS, The Board of County Commissioners has exercised its
14 police power to protect the health, safety, and welfare of citizens of
15 Palm Beach County by enacting Ordinance 88-32 which amended Section
16 500.31 of the Palm Beach County Zoning Code; and

17 WHEREAS, the Ordinance contained several scrivener's errors;
18 and

19 WHEREAS, the Ordinance provided no time period for a
20 non-conforming adult entertainment establishment abutting residential
21 property to construct the required landscape strip;

22 NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
23 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA as follows:

24 Section 1. AMENDMENT TO SECTION 500.31

25 The Code of Law and Ordinance of Palm Beach County, Florida, Appendix F
26 (Zoning Code) Section 500.31 (Adult Entertainment Establishment) is
27 amended to read as follows:

28 | D. Supplemental Regulations

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30 | 5. Existing Adult Entertainment Establishments.

b. Any non-conforming Adult Entertainment Establishment as determined in (a) above, shall: (1) be subject to the enlargement restrictions contained in (D)(2), above; and (2) construct and install alternative landscape strip Number 1 or 2, as defined in Section 500.35(F)(3)(G)(2) 500.35.E.3.c(3), along any property line of an establishment which abuts a residential zoning district within ninety (90) days of the date of issuance of the Adult Entertainment License by the Occupational Licensing

1 Department; and (3) if a building permit for exterior structural
2 renovation or remodeling or a paving or parking permit is issued
3 for the establishment the requirements of §500.35 shall apply to
4 the entire site of the establishment.

5 . . .

6 E. Supplemental Property Development Regulations

7 Special Exception Standards

8 . . .

9 3. Notwithstanding (2) above and the requirements of
10 500-35{E}{3}{6} 500.35.E.3.c, construct and install
11 alternative landscape strip number + 2, as defined in
12 Section 500-35{E}{3}{6}{2} 500.35.E.3.c(3), along any
13 property line which abuts a residential zoning district;
14 and

15 . . .

16 Section 2. REPEAL OF LAWS IN CONFLICT

17 All local laws and ordinances applying to the unincorporated
18 area of Palm Beach County in conflict with any provisions of this
19 ordinance are hereby repealed.

20 Section 3. SEVERABILITY

21 If any section, paragraph, sentence, clause, phrase, or word of
22 this ordinance is, for any reason, held by the Court to be unconsti-
23 tutional, inoperative or void, such holding shall not affect the
24 remainder of this ordinance.

25 Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES

26 The provisions of this ordinance shall become and be made a
27 part of the code of laws and ordinances of Palm Beach County, Florida.
28 The Sections of the ordinance may be renumbered or relettered to
29 accomplish such, and the word "ordinance" may be changed to "section,"
30 "article," or any other appropriate word.

31 Section 5. EFFECTIVE DATE

32 The provisions of this ordinance shall become effective upon
33 receipt of acknowledgement by the Secretary of State.

1 APPROVED AND ADOPTED by the Board of County Commissioners of
2 Palm Beach County, Florida, on the 16th day of May, 1989.

3 PALM BEACH COUNTY, FLORIDA, BY ITS
4 BOARD OF COUNTY COMMISSIONERS

5 By Carol Elwygert
6 Chairman

7 APPROVED AS TO FORM AND
8 LEGAL SUFFICIENCY

9 Van B. Cook
10 County Attorney

11 Acknowledgement by the Department of State of the State of
12 Florida, on this, the 25th day of May, 1989.

13 EFFECTIVE DATE: Acknowledgement from the Department of State
14 received on the 30th day of May, 1989, at 2:04
15 P.M., and filed in the Office of the Clerk of the Board of County
16 Commissioners of Palm Beach County, Florida.